

**WILLIAM P. LEHR,**

**Plaintiff,**

**V.**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**No. 3:09-CV-212  
(Phillips/Shirley)**

## MEMORANDUM AND OPINION

This Social Security appeal is before the Court on the Report and Recommendation (“R&R”) filed by United States Magistrate Judge C. Clifford Shirley [Doc. 18]. There have been no timely objections to the R&R [Doc. 18], and enough time has passed since the filing of the R&R [Doc. 18] to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the magistrate judge's conclusion that the Commissioner's Motion for Summary Judgment [Doc. 16] be **DENIED**, and that Plaintiff's Motion for Summary Judgment [Doc. 9] be **GRANTED**, to the extent that this case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for a new hearing consistent with this Opinion. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 18] under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the R&R [Doc. 18], which the Court adopts and

incorporates into its ruling, that the Commissioner's Motion for Summary Judgment [Doc. 16] is **DENIED**, and that Plaintiff's Motion for Summary Judgment [Doc. 9] is **GRANTED**, whereby this case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for a new hearing consistent with this Opinion.

**ENTER:**

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s/ Thomas W. Phillips

United States District Judge